

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Brenda Theresa McNair,	)	Civil Action No.: 8:13-1218-MGL
	)	
Plaintiff,	)	
	)	<b><u>OPINION AND ORDER</u></b>
v.	)	
	)	
Carolyn W. Colvin,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

. Plaintiff Brenda Theresa McNair (“Plaintiff”) brought this action seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s claim for supplemental security income (“SSI”). This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that this court reverse the Commissioner’s decision and remand this matter to the Commissioner for further administrative action. (ECF No. 19 at 34.) On May 19, 2014, the Commissioner filed “Defendant’s Notice of Not Filing Objections to the Report and Recommendation of Magistrate Judge.” (ECF No. 20.) Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which

specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report by reference. For the reasons set forth therein, the decision of the Commissioner is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative action consistent with the Report.

**IT IS SO ORDERED.**

/s/ Mary G. Lewis  
United States District Judge

June 10, 2014  
Spartanburg, South Carolina